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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

PHYLLIS ORTEGO

CIVIL ACTION NO. 13-3234

VERSUS

JUDGE DOHERTY

UNUM LIFE INSURANCE CO OF AMERICA

MAGISTRATE JUDGE HANNA

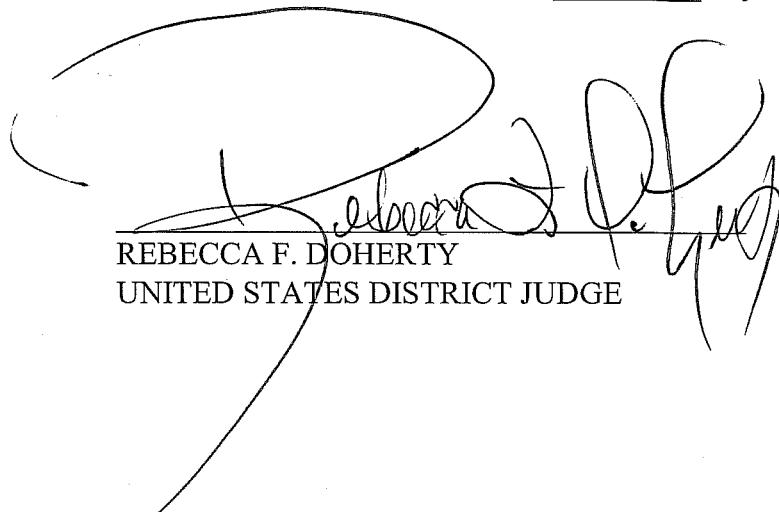
MEMORANDUM RULING

Currently pending before the Court is a motion for summary judgment [Doc. 16], filed by defendant Unum Life Insurance Company of America (“Unum”). By way of its motion, defendant seeks summary judgment in its favor, “dismissing plaintiff’s claims for long-term disability benefits on the grounds that Unum did not abuse its discretion in determining that plaintiff had received the maximum benefits to which she was entitled under the policy.” [Id. at 1] In the alternative, defendant argues it is entitled to judgment in its favor: “because (1) the policy language clearly set forth the maximum period for which plaintiff was entitled to receive benefits for self-reported conditions; and (2) there is no evidence in the record to support that plaintiff has symptoms resulting from a documented clinical diagnosis of either fibromyalgia or Lyme disease. . . .” [Id.] The motion is unopposed.¹

¹The deadline for submission of a memorandum in opposition to the motion for summary judgment has passed, and no opposition has been received by the Court. [Doc. 17] Accordingly, the motion is deemed unopposed. [Id.]

The motion for summary judgment [Doc. 16], appearing to be well-founded in law and fact and being unopposed by plaintiff, is hereby GRANTED, and plaintiff's claim against Unum for long-term disability benefits is hereby DISMISSED.

THUS DONE AND SIGNED in Chambers, Lafayette, Louisiana, this 11th day of March, 2015.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE